

SENATE BILL 4273

By Ketron

AN ACT to amend Chapter 315 of the Private Acts of 1949; as amended by Chapter 483 of the Private Acts of 1951; Chapter 200 of the Private Acts of 1965; Chapter 77 of the Private Acts of 1977; Chapter 271 of the Private Acts of 1978; Chapter 285 of the Private Acts of 1978; Chapter 78 of the Private Acts of 1979; Chapter 110 of the Private Acts of 1987; Chapter 151 of the Private Acts of 1990, Chapter 92 of the Private Acts of 2006; and any other acts amendatory thereto, relative to the charter for the City of Eagleville.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 315 of the Private Acts of 1949, as amended by Chapter 483 of the Private Acts of 1951, Chapter 200 of the Private Acts of 1965, Chapter 77 of the Private Acts of 1977, Chapter 271 of the Private Acts of 1978, Chapter 285 of the Private Acts of 1978, Chapter 78 of the Private Acts of 1979, Chapter 110 of the Private Acts of 1987, Chapter 151 of the Private Acts of 1990, Chapter 92 of the Private Acts of 2006, and any other acts amendatory thereto, the same being the charter for the City of Eagleville, is amended by deleting such acts their entirety and by substituting instead the following new language:

ARTICLE I

CHARTER DEFINITIONS, CITY LIMITS, AND CORPORATE POWERS

SECTION 1.01 The City of Eagleville, Tennessee, shall continue as a body politic and corporate by the name of The City of Eagleville, Tennessee, and this act shall constitute its complete charter. The City of Eagleville shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it as deemed necessary.

SECTION 1.02. As used in this charter, unless the context otherwise requires:

(1) "City" or "Municipality" means the City of Eagleville.

(2) "Council" or "City Council" and "Board" mean the legislative body of the city, which is composed of six (6) council members elected as provided in this charter. The Mayor shall serve as a council member if the city council employs a city administrator.

(3) "Council Member" means a person elected as a member of the city council as provided in this Charter.

(4) "Nonpartisan" means without any designation of candidates as members or candidates of any state or national political party or organization.

(5) "At large" means the entire city.

(6) "Code" means any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state government, or by a trade association or other organization generally recognized as an authority in its field of activity.

(7) "Elector" means a qualified voter residing within the city, or a non-resident who owns property in the city and is otherwise qualified to vote in the Eagleville Precinct.

(8) The masculine includes the feminine, and the singular includes the plural and vice-versa, except when the contrary intention is manifest.

#### SECTION 1.03.

(a) The boundaries of the city are as follows:

Beginning at a point in the center of U.S. Highway 41-A, one mile south of the intersection of the Eagleville to Murfreesboro Road and Eagleville to Allisona Road with U.S. Highway 41-A, thence East and West 1,000 feet to points; thence North parallel with U.S. Highway 41-A one mile, thence, West and East respectively, 1,000 feet to the center of the intersection first mentioned above.

Beginning at a point in the center of the Eagleville to Allisona Road, one mile West of the intersection first mentioned above; thence North and South 1,000 feet to points, thence East parallel with the Eagleville to Allisona Road one mile; thence South and North, respectively, 1,000 feet to the center of the intersection first mentioned above.

Beginning at a point in the center of the Eagleville to Murfreesboro Road, 6/10th of one mile; thence South and North, respectively, 1,000 feet to the center of the intersection first mentioned above.

Beginning at a point in the center of U.S. Highway 41-A, 1-3/10th miles North of the intersection first mentioned above; thence East and West 1,000 feet to points; thence South parallel to U.S. Highway 41-A, 1-3/10ths miles; thence West and East, respectively, 1,000 feet to the center of the intersection first mentioned above.

Beginning at a point in the center of U.S. Highway 41-A near graveyard at the NE corner of Tract No. 2B on the plat and survey of the Hay heirs land of record in Plat Book 3, Page 47, of the Register's Office for Rutherford County, Tennessee, on a point S 27 degrees E 5 links from said corner and running thence S 85 degrees 37'E 120 poles to center of creek (a flat rock bottom), S 52 degrees 15'E 4-1/2 poles, S 23 degrees E 3 poles, S 34 degrees W 19 poles, 5 links, S 63 degrees 30' W 9 poles 7 links, N 87 degrees 45' W 8 poles, S 49 degrees 15' W 9 poles, 5 links, S 63 degrees 30' W 7 poles 6 links, S 22-1/4 degrees W 6-1/2 poles, S 45-1/4 degrees W 9-4/5 poles, S 30-1/4 degrees W 5 poles 8 links, S 4 degrees 30' E 10-4/5 poles, S 55 degrees 30' W 6-3/5 poles, S 65 degrees W 6-4/5 poles, S 12 degrees W 16-3/5 poles S 7 degrees 45' W 17 poles 6 links, to center of bridge on pike, thence N 43 degrees W with center of pike and east line of Tract No 1,5 poles and 19 links, thence N

27 degrees @ with center of pike and east line of No. 1 tract and No. 2B tract 120 poles and 17 links to the beginning containing 38-4/10 acres.

Beginning at a point in the center of Cheatham Springs Road at its intersection with U.S. Highway 41-A; thence one and one-half (1 ½) miles in a west, southwesterly direction along the center line of Cheatham Springs Road to a point; thence east, northeasterly along a line which parallels Cheatham Springs Road to a point in the western margin of U.S. Highway 41-A to the point of beginning.

(b) In addition, any area or areas annexed since 1977 are hereby included in the above description of boundaries.

SECTION 1.04. The city is authorized to:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or non interest-bearing bonds in accordance with Tennessee Code Annotated, Title 9, Chapter 21, warrants, promissory notes or orders of the municipality, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of Tennessee Code Annotated, Title 29, Chapter 16, or in any other manner provided by law;

(10) Take and hold property within or without the municipality or state upon trust; and administer trusts for the public benefit;

(11) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the municipality, its inhabitants, or any part thereof, and, further, may issue debt for these purposes;

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities and public services to be furnished the municipality and those therein. The power to grant franchises embraces the power to grant exclusive franchises to the extent authorized by state or federal law. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the municipality and those therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, and compel reasonable extensions of facilities for these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, and take and appropriate property therefor under the provisions of Sections 7-31-107—7-31-111 and Section 29-16-114 of the general law, or any other manner provided by the general law;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling,

macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by Tennessee Code Annotated, Title 7, Chapter 32 and Chapter 33;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law, and regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health,

morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefor, and provide standards of weights, tests and measures in such manner as provided by general law;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures in accordance with general law, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a correctional facility for the confinement and detention of persons who violate laws within the corporate limits of the city, or to contract with the county to keep such persons in the workhouse of the county;

(28)

(1) Enforce any ordinance, rule or regulation by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction.

(2) Provide by ordinance for court costs in accordance with the Municipal Court Reform Act, codified at Tennessee Code Annotated, Title 16, Chapter 18, Part 3;



(29) Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the municipality;

(30) Call elections as herein provided; and

(31) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

## ARTICLE II

### MAYOR AND CITY COUNCIL

#### SECTION 2.01.

(a) A Mayor and six (6) council members shall be elected in a nonpartisan municipal election conducted by the Rutherford County Election Commission, at the same hours and places for holding general elections and under the general election laws of the state, as follows:

The Election Commission of Rutherford County, Tennessee, shall hold a municipal election on the first Tuesday following the first Monday in November of 2010 and every four (4) years thereafter, for the purpose of electing a mayor and three (3) council members to fill terms expiring at that time and to serve until their successors are elected and qualified. At the municipal election on the first Tuesday following the first Monday in November of 2012, and every four (4) years thereafter, three (3) council members shall be elected to fill the terms expiring at that time and to serve until their successors are elected and qualified. The Mayor and council members shall be elected at large.

(b) Any elector who has been a resident of the city for at least one (1) year may be qualified as a candidate for Mayor or council member by filing a

nominating petition submitted to the Rutherford County Election Commission at such time and manner as determined by the general laws of the State of Tennessee.

(c) The nominating petition shall be prepared in such form as required by the general laws of the State of Tennessee.

(d) Persons nominated may request to withdraw their nominations by filing written notice to the Rutherford County Election Commission no later than twelve o'clock (12:00) noon prevailing time on the seventh day after the qualifying deadline for the election, pursuant to Tennessee Code Annotated, Section 2-5-204.

(e) Each elector shall be entitled to vote for three (3) candidates for council member and a Mayor in the November, 2010 municipal election and every four (4) years thereafter, and the council member candidates receiving the first, second, and third highest number of votes shall be elected. The Mayoral candidate receiving the highest number of votes shall be elected. Each elector shall be entitled to vote for three (3) council members in the municipal election of November of 2012 and every four (4) years thereafter. Council member candidates receiving the first, second, and third highest number of votes shall be elected.

(f) In the event of a tie vote for Mayor, or in the event that two (2) council member candidates receiving the third highest number of votes results in a tie vote, the council members elected and sworn in as the result of the most recent election shall vote to break the tie.

(g) The terms of office of Mayor and all council members shall commence upon taking the Oath of Office at the first regular city council meeting immediately following the municipal election in which they were elected, and they shall serve until their successors have been elected and qualified. No informality shall invalidate such an election, provided it is conducted fairly and in substantial

conformity with the requirements of this Charter and the general election laws of the state.

(h) The Mayor, or any Council Member, or other person holding an office of public trust in the City of Eagleville, as provided in Tennessee Code Annotated, Section 8-47-101, who knowingly and willfully commits misconduct in office, neglects to perform any duty enjoined upon such officer by any of the laws of the state, of intoxication produced by strong drink voluntarily taken, or who shall engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude, shall forfeit such office and shall be ousted from such office in the manner provided for in Tennessee Code Annotated, Title 8, Chapter 47.

SECTION 2.02. Giving or promising to any person or persons any office, employment, money, benefit, or anything of value, by or on behalf of any candidate, shall be deemed to be a violation of Tennessee Code Annotated, Section 2-19-121 through 2-19-123, and any person convicted thereof shall be ineligible to hold an office or position of employment in the city government for a period of five (5) years.

#### SECTION 2.03.

(a) The six (6) council members elected under this charter shall comprise the city council, in which is vested all corporate, legislative and other powers of the city, except as otherwise provided in this charter. In the event the city council employs a city administrator, the Mayor shall serve as a member of the city council and shall have the right to vote on any issue or matter coming before the council.

(b) The salary of the Mayor and council members shall be as determined by ordinance; however, such salaries may not be increased or decreased during their term of office for which the salaries are set.

(c) The city council shall meet regularly at least once every month at the city hall or municipal building, or at such other place and time as may be prescribed by ordinance. The council shall meet in special session when called

by the Mayor or any two (2) council members, provided adequate public notice is given the citizens of the City of Eagleville. Only the business stated in the written call may be transacted at a special meeting. Informal meetings or work sessions of the council may be held for the purpose of fact finding and conducting inspections provided that such meetings shall not be in violation of the open meeting act codified at Tennessee Code Annotated, Title 8, Chapter 44, Part 1; however, there shall be no official action taken by the council in such meetings. The council shall exercise its powers only in public meetings.

(d) A majority of the council shall constitute a quorum. The latest edition of Roberts Rules of Order shall govern the conduct of its meetings, including procedures and penalties for compelling the attendance of absent members. The council may subpoena and examine witnesses and order the production of books and papers.

SECTION 2.04. The Mayor shall preside at all meetings of the council, and shall not have a vote on any matter except in case of a tie vote, or as otherwise provided in this charter. He shall be recognized as the ceremonial head of the city. He shall be the officer to accept process, and upon whom process against the city shall be served. He shall sign all contracts. He shall perform other duties prescribed by this charter and by ordinances not inconsistent with this charter.

SECTION 2.05. The council, at the first regular meeting after the newly elected council members have taken office following each regular municipal election, shall elect from its membership a Vice-Mayor for a term of two (2) years and who shall have a vote on all questions proposed at any meeting. The Vice-Mayor shall perform the duties of the Mayor during his absence or inability to act, and shall fill out any unexpired term in the office of Mayor, in which case a council member shall be elected by majority vote of the council to serve as Vice-Mayor.

SECTION 2.06.

(a) A vacancy shall exist if the Mayor or a council member resigns, dies, moves his residence from the city, is convicted of malfeasance or misfeasance in

office, a felony, a violation of this charter or election laws of the state, or a crime involving moral turpitude, fails to attend any meeting of the council for a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his office. The council by resolution shall declare a vacancy to exist for any of these reasons, and such finding shall be final.

(b) The council shall fill vacancies in the office of council member by affirmative vote of a majority of the remaining members, but any portion of an unexpired four (4) year term for council member or Mayor that remains beyond the next municipal election shall be filled by the voters at that election, if the vacancy occurs at least twenty (20) days before the latest time for filing nominating petitions for candidates in that election.

(c) All such elections by the council shall be made by voice vote, on the calling of the roll. If a tie vote occurs in filling a vacancy on the council, the presiding officer shall vote to break the tie.

(d) Any person convicted of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude shall be prohibited from holding office or employment with the city for a period of ten (10) years thereafter.

SECTION 2.07. The council shall act in all matters as a body, and no member shall seek individually to influence the official acts of the Mayor or any other officer or employee of the city, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by the Mayor or any other officer or employee. The council shall deal with the various agencies, officers and employees of the city, except boards or commissions authorized by this charter, solely through the Mayor or chief administrative officer, and shall not give orders to any subordinates of the Mayor or chief administrative officer, either publicly or privately. Nothing herein shall prevent the council from conducting such inquiries into the operation of the city government and the conduct of the city's affairs as it may deem necessary. The office of any council member violating

any provision of this section shall immediately become vacant upon his conviction in a court of competent jurisdiction.

SECTION 2.08. The council by motion shall designate from time to time a newspaper of general circulation in Rutherford County, Tennessee, as the newspaper for publication of official notices of the city.

SECTION 2.09.

(a) The council's actions shall only be by ordinance if the actions impose a fine, relate to revenue or the appropriation of funds, award franchises or contracts over two thousand five hundred dollars (\$2,500), convey, lease or authorize the conveyance or lease of any lands of the city, or if otherwise required by this charter or the general law to be done by ordinance. Other actions of the council may be accomplished by resolutions or motions.

Ordinances and resolutions shall be in written form before being introduced. The enacting clause of ordinances shall be "Be It Ordained by the City Council of the City of Eagleville:". No action of the council shall be valid or binding unless approved by the affirmative vote of at least a majority of the quorum. Any ordinance which repeals or amends existing ordinances shall set forth at length the sections or sub-sections repealed or as amended. Every ordinance, except an emergency ordinance, must be approved on two (2) readings not less than ten (10) business days apart and shall become effective when adopted after a public hearing and a second and final reading, unless its terms provide a later effective date or as may be provided pursuant to the general laws of the State of Tennessee. The summary of every ordinance shall be read on the first and second readings. The summary of each resolution shall be read prior to its adoption and shall become effective when adopted unless its terms provide otherwise. To meet public emergency affecting life, health or property, an emergency ordinance may be adopted on one (1) reading and become effective immediately, by the affirmative votes of four (4) members of council, if the ordinance contains a full statement of the facts creating the emergency, but any

emergency ordinance shall be effective for only ninety (90) days. Appropriations, revenues, franchises, contracts, levy of taxes, or special privileges shall not be passed as emergency ordinances. Any council member may introduce an ordinance or resolution before the city council. A public hearing on every ordinance shall be conducted prior to the second reading of such ordinance.

(b) The council shall have the general and continuing ordinances of the city assembled and copied in a well bound book or loose leaf filler book, a copy of which shall be kept currently up-to-date by the City Recorder and shall be available to the public.

(c) The council may have the general and continuing ordinances of the city assembled into an official Code of the City, a copy of which shall be kept up-to-date by the City Recorder and shall be available to the public. After adoption of the City Code all ordinances shall be adopted as additions to, deletions from, or amendments to the code.

(d) Standard Codes as described in Section 1.02(6), may be adopted by ordinances which contain only references to titles, dates, issuing organizations, and such changes to the standard Codes as the council may deem desirable. Procedures prescribed by general law shall be followed when adopting such standard codes. Copies of the official code and any standard codes so adopted by reference shall be available to the public at reasonable cost determined by the council.

(e) The original copies of minutes, ordinances, resolutions, contracts, and other documents shall be filed and preserved by the City Recorder and every page of the original documents shall be signed or initialed by the Mayor and City Recorder.

SECTION 2.10. The council is authorized to appropriate public funds for contributions or donations to non-profit organizations, in accordance with the general laws of the State of Tennessee. The council is prohibited from appropriating public funds for private for-profit organizations.

## ARTICLE III

### ORGANIZATION AND PERSONNEL

SECTION 3.01. The city government shall be organized into departments of records, finance, police, fire, and of public works and utilities, unless otherwise provided by ordinance. The council shall determine by ordinance the functions and duties of all departments and offices. The council, by ordinance, may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city, subject to the following limitations:

(1) The number of members and the authority of the council, as provided in this charter, shall not be changed;

(2) All officers and employees of the city, except as otherwise specifically provided by ordinance, shall be appointed and removed by the Mayor but only with the approval of the majority of the council voting upon such appointment or removal, and said employees shall be under the direction and control of the Mayor; and

(3) The office of Mayor shall not be abolished, nor shall his powers, as provided in this charter, be changed.

SECTION 3.02. The Mayor shall be the chief administrative officer of the city government, responsible for the efficient and orderly administration of the affairs of the city, unless the council by ordinance establishes the office of city administrator. In the event the council establishes and appoints a city administrator, the city administrator shall be the chief administrative officer, and the Mayor shall be the ceremonial head of the city, preside at all meetings of the city council, and serve as a member of the council with full voting rights. The chief administrative officer shall be responsible for the enforcement of laws, rules and regulations, ordinances, and franchises of the city, and the City Attorney shall take such legal actions as the chief administrative officer may direct for such purposes. He may conduct inquiries and investigations into the affairs of



the city and shall have such other powers and duties as may be provided by ordinance not inconsistent with this charter.

SECTION 3.03. The council shall appoint a City Attorney, and such Assistant City Attorneys as may be authorized by ordinance. The City Attorney, or an Assistant City Attorney designated by him, shall be responsible for representing and defending the city in all litigation in which the city is a party; attending all meetings of the council; advising the council, Mayor and other officers and employees of the city concerning legal aspects of their duties and responsibilities; approving as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents; and performing such other duties as may be prescribed by the council.

SECTION 3.04.

(a) The City Recorder shall be the director of the Department of Records.

(b) The chief administrative officer, with the approval of a majority of the council, shall appoint a City Recorder, who also may be appointed to the positions of Finance Director or Treasurer, or both.

(c) The City Recorder, or his designee, shall be present at all meetings of the council and keep a full and accurate record of all business transacted by the council to be preserved in permanent form.

(d) The City Recorder, or his designee, shall have custody of, and preserve in the Recorder's office the city seal, the public records, original rolls of ordinance, ordinance books, minutes of the board, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds (except the Recorder's bond, which shall be in the custody of the Mayor), and all other bonds, oaths and affirmations and all other records, papers, and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof.

(e) All such records shall be the property of the City of Eagleville.

(f) The City Recorder shall provide, copy, and, when required by any officer or person, certify copies or records, papers and documents in his office.

(g) Fees for copying and certification shall be charged as established by ordinance.

#### SECTION 3.05.

(a) The council may appoint a treasurer.

(b) The treasurer shall collect, receive and receipt for the taxes and all other revenue (and bonds) of the municipality, and the proceeds of its bond issues, and disburse them.

(c) The council may appoint the Recorder as treasurer.

#### SECTION 3.06.

(a) There may be established a city court presided over by a City Judge appointed by the council.

(b) The City Judge shall have the qualifications, term of office, if any, and receive the compensation the board may provide by ordinance.

(c) In the absence or disability of the City Judge, the Mayor may designate a qualified person to serve as City Judge to be the acting City Judge until one can be appointed at the next regularly scheduled meeting of the council, or as otherwise provided by ordinance.

(d) The City Judge may impose fines, costs and forfeitures, and punish by fine for violation of city ordinances in accordance with the Municipal Court Reform Act, codified at Tennessee Code Annotated, Title 16, Chapter 18, Part 3.

(e) The City Judge may preserve and enforce order in the court and enforce the collection of all fines, costs and forfeitures imposed.

(f) The City Judge may remit, with or without condition, fines and costs imposed for violation of any ordinance provision.

(g) Receipts of the city court shall be deposited daily with the City Treasurer, and the City Judge shall make monthly reports thereof to the council.

(h) The City Judge shall keep a docket of all cases handled by him.

(i) The City Judge shall be exclusive judge of the law and the facts in every case before him, and no officer or employee of the city shall attempt to influence his decision except through pertinent facts presented in open court.

SECTION 3.07. Offices and positions of employment shall be filled from time to time as the board shall determine the same to be necessary. Salaries, wages, and remuneration for all positions shall be in accordance with motion duly made and adopted by a majority vote. In determining salaries, wages, and remuneration, due consideration shall be given to duties, responsibilities, technical knowledge and skill and education required to satisfactorily perform the work, and the availability of persons having the qualifications desired.

SECTION 3.08. The appointment and promotion of employees of the city shall be on the basis of merit, considering technical knowledge and education required to perform satisfactorily the work, experience in the particular or similar line of work, and administrative or supervisory qualifications. The chief administrative officer shall, with the approval of a majority of the council, make appointments, promotions, transfers, demotions, suspensions, and removal of department heads. All other employee appointments, promotions, transfers, demotions, suspensions, and removal of employees shall be determined solely by the chief administrative officer. The city is an at-will employer.

SECTION 3.09. The council shall, by ordinance, adopt personnel rules and regulations governing personnel administration by the city, not inconsistent with the provisions of this charter.

SECTION 3.10. Before a person takes any office in the city government, he shall subscribe to the following oath or affirmation, administered by the City Recorder or any judge or official authorized by general law to administer oaths:

I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and the State of Tennessee, that I will, in all respects observe the provisions of the charter and ordinances of the

City of Eagleville, and that I will faithfully discharge the duties of the office of \_\_\_\_\_.

SECTION 3.11. The Mayor and every officer, agent, and employee of the city having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees designated by the city council, shall give a fidelity bond or faithful performance bond, as determined by council, with some surety company authorized to do business in the State of Tennessee as surety, in such amount as shall be prescribed by the city council. All such bonds and sureties thereto shall be subject to approval by the council. The cost of such bonds shall be paid by the city. Such bonds shall be blanket bonds covering offices and positions to be bonded, and individual bonds may be secured only when blanket bonds are not obtainable.

SECTION 3.12. No person shall directly or indirectly give, render or pay any money, service, or other valuable consideration to any person for or on account of or in connection with employment by the city government in violation of Tennessee Code Annotated, Title 2, Chapter 19, Part 1. No person shall orally, by letter or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution from any employee of the city in connection with any city election. Any person who by himself or with others willfully or corruptly violates any provision of this section shall, if convicted thereof, be subject to the penalty provisions of Tennessee Code Annotated, Section 2-19-128, and upon such conviction he shall immediately forfeit and vacate the office or position he holds and be ineligible to hold any office or position of employment in the city government for a period of five (5) years thereafter.

SECTION 3.13. Officers or employees of the city shall not profit personally, directly or indirectly, from any business transacted with the city government, nor shall any officer or employee accept any free or preferred service, benefits or concessions from any person, company or firm regulated by or doing business with the city.

#### ARTICLE IV

#### FISCAL ADMINISTRATION

SECTION 4.01. The fiscal year of the city government shall begin on the first day of July of each year and end on the last day of June of each year. The fiscal year of all boards, commissions, branches, or other divisions of the city government shall begin and end as the council may provide by ordinance, and if no such ordinance is passed by the council, the same shall be commensurate with the fiscal year of the city government.

SECTION 4.02. The chief administrative officer shall be responsible for controlling expenditures of the various agencies of the city government so as to accomplish maximum efficiency and economy. He shall prepare and submit monthly finance reports of all revenues and expenditures to the council.

SECTION 4.03. Purchasing for the City of Eagleville shall be in accordance with the State of Tennessee's Municipal Purchasing Law of 1983, as amended, compiled in Tennessee Code Annotated, Title 6, Chapter 56, Part 3. The chief administrative officer shall be the purchasing agent authorized to make purchases in accordance with established purchasing rules and regulations.

SECTION 4.04. Any contract or agreement made in violation of the provisions of this charter or ordinances of the city shall be void. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder, and their sureties on their official bonds, and every person who shall knowingly receive such payment, shall be jointly and severally liable to the city for the full amount so paid or received. A violation of this section by any officer or employee may result in his removal.

SECTION 4.05. Within thirty (30) days after the beginning of each fiscal year, or other period as may be designated by the State of Tennessee, the council shall employ an independent, certified public accountant to make an audit of all financial records of the city. The auditor shall perform adequate sampling to determine the validity of the records. Each such audit shall include determination of the legality of transactions, mathematical accuracy of records, complete accountability, and application of accepted municipal accounting principles. It shall be made in accordance with generally accepted auditing standards and in conformity with generally accepted accounting principles. The

audit shall be completed and a report, including a summary for publication, shall be submitted to the council within one hundred eighty (180) days after the end of the fiscal year.

SECTION 4.06. Each bid on a contract for any public works or improvement shall be accompanied by a cash or surety company bid bond in the amount of five per cent (5%) of the amount bid. Before any contract is awarded, the contractor shall give bond for the faithful performance of the contract, with a surety company authorized to transact business in Tennessee, in an amount equal to one hundred percent (100%) of the contract price. The council may waive these requirements for contracts under five thousand dollars (\$5,000).

SECTION 4.07. All property subject to taxation shall be subject to the property tax levied by the city council. The County Assessor of Property shall assess all property subject to taxation, except property assessed by the State of Tennessee.

SECTION 4.08. The council is authorized to make a tax levy expressed as a fixed rate per one hundred dollars (\$100) of assessed valuation not later than July 1 of each year, and said tax levy may be set by the council at a regular meeting or at a meeting specially called for that purpose. In the event of the council's failure to make a tax levy as herein provided, the prior year's tax rate shall continue in effect.

SECTION 4.09. Property taxes shall be due on October 1 of each year. Property taxes shall become delinquent on March 1 of each year, at which time a penalty prescribed by the general laws of the State of Tennessee shall be added and thereafter such taxes shall be subject to interest at the rate prescribed by the general laws of the State of Tennessee for each month or fraction thereof until paid. On and after the date when such taxes become delinquent, the tax records of the city shall have the force and effect of a judgment of a court of record.

SECTION 4.10. The council may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the City Judge for the sale of goods and chattels to be executed by any police officer of the city under the laws governing execution of such process from a General Sessions Court; or by the County Trustee as

provided by general law, by garnishment; by suits in Chancery; or by any two (2) or more of the foregoing methods, or by the use of any other available legal processes.

SECTION 4.11. The city may contract with the county for the collection of city taxes. The contract may provide for reasonable fees to be paid to the county for this service.

SECTION 4.12. All officers or employees of the city are prohibited from excusing taxes, penalties, interest, special assessment, or other charges due the city, but errors may be corrected when authorized by city council.

SECTION 4.13 All disbursements, except for any agency of the city administered by a board or commission, shall be made by checks signed by the City Treasurer and countersigned by the chief administrative officer. The Council may by resolution designate other officers to sign such checks in the absence or disability of the chief administrative officer or City Treasurer. No employee or official may be authorized to sign, or countersign, a city check made payable to the employee or official.

SECTION 4.14. The council shall designate an official depository or depositories for deposit and the council may deem safekeeping of funds of the city, with such collateral security as necessary.

SECTION 4.15. The council may borrow money in anticipation of taxes, for payment of current and necessary expenses.

## ARTICLE V

### INTERGOVERNMENTAL COOPERATION AND CONTRACTING

SECTION 5.01. In addition to other powers granted in this Charter, the city council shall have power to contract and cooperate with any other municipality or other political subdivision of the state, or with an elective or appointive official thereof, or with any duly authorized agency of the federal or state government, for the exercise of any power or function which the city is authorized to undertake by the charter in accordance with general law.

SECTION 5.02. The council may exercise the powers conferred in this Article by ordinance or resolution setting out the terms to be included in any such contract or

cooperative action. The parties to such a contract or cooperative action, or any of them, may acquire, by gift or purchase, or by the power of eminent domain in accordance with Tennessee Code Annotated, Title 29, Chapter 16, exercised by one (1) or more of the parties, the lands, buildings, and other property necessary or useful for the purposes of the contract or cooperative action, either within or without the corporate limits of one or more of the contracting parties, and shall have the power to hold or acquire such property jointly. The city may provide for the financing of its share or portion of the cost or expenses of such contract or cooperative action in the same manner as if it were acting alone and on its own behalf. Such contract may also provide for the establishment and selection of a joint commission, officer or officers to supervise, manage, and have charge of a joint service or project, and may provide for the powers and duties, terms of office, compensation, if any, and other provisions relating to the members of such joint commission, officer, or officers. Such contracts may include and specify terms and provisions relative to the termination of the contract or cooperative action by ordinance or resolution, and the notice, if any, to be given of such termination or cancellation. Such cancellation or termination shall not relieve any party participating in such contract or cooperative action from any obligation or liability for its share of the cost or expense incurred prior to the effective date of any such cancellation or termination.

SECTION 5.03. All public officers acting under the authority of a contract or undertaking cooperative action under the provisions of this Article shall enjoy the same immunities and be subject to the same liabilities as if they were acting entirely within the territorial limits of their respective governmental units.

SECTION 5.04. All money received pursuant to any such contract or cooperative action, under the provisions of this Article, unless otherwise provided by law, shall be deposited and disbursed in accordance with the provisions of such contract or cooperative action.

## ARTICLE VI

### MISCELLANEOUS PROVISIONS



SECTION 6.01. Any person violating any provision of this charter shall be fined not more than fifty dollars (\$50). Each day the violation continues shall be considered a separate violation.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Eagleville. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.